



McDonnell Boennnen Hulbert &amp; Berghoff LLP

## Fax transmittal

To	Examiner Patricia A. Booker	Date	April 24, 2006
Company	US Patent & Trademark Office	From	James T. Wasicak
Fax	571-273-9830	Direct	312 913-2128
Phone	703 308-9140 ext 204	Email	wasicak@mbhb.com
Copy to		C/M	
Pages, with cover	13		
Re	02-730-B6		

We are transmitting herewith:

- (a) Request to Withdraw Holding of Abandonment;
- (b) Copy of Transmittal Letter bearing Express Mail label EV 839407018 US;
- (c) Copy of Express Mail Receipt;
- (d) U.S. Postal Service Track and Confirm for Express Mail label EV 839407018 US;
- (e) Copy of Response to Notification bearing the petition for a 5 month extension under 37 C.F.R § 1.136(a);
- (f) Copy of Check for \$2,490.00 rendering \$2,160 as payment for the 5 month Extension Fee per 37 C.F.R § 1.17(a)(5);
- (g) Copy of the Notification providing for extensions under 37 C.F.R § 1.136(a); and
- (h) Copy of the Notification of Abandonment.

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhb.com

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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 02-730-B6)**

In re Application of:	)	
Beck et al.	)	
	)	Before Examiner: Patricia A Booker
Serial No.: 10/527,294	)	
	)	Group Art Unit: TBD
I.A. Filing Date: September 10, 2003	)	
	)	Confirmation No.: 9625
Title: Substituted Aminoethers For The	)	
Treatment of Alzheimer's Disease	)	

**REQUEST TO  
WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request to withdraw the holding of abandonment for the above identified patent application. No fee is required regarding the filing of this request.

This application was held to be abandoned by the U.S. Patent and Trademark Office (PTO) for Applicant's alleged failure to timely file a response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed July 22, 2005 ("Notification"). Applicants filed a Response on February 22, 2006 ("Response") and respectfully submit that the Response was timely filed. Copies of the following items, attached herewith, provide evidence that the Response was timely filed and received by the PTO:

- (a) Transmittal Letter bearing Express Mail label EV 839407018 US;
- (b) Express Mail receipt;
- (c) U.S. Postal Service Track and Confirm for Express Mail label EV 839407018 US;
- (d) Response bearing the petition for a 5 month extension under 37 C.F.R § 1.136(a);
- (e) Check for \$2,490.00 rendering \$2,160 as payment for the 5 month Extension Fee;
- (f) Notification providing for extensions under 37 C.F.R § 1.136(a); and
- (g) Notification of Abandonment.

Applicants respectfully submit that the Notification provides a deadline of September 22, 2005, extendable up to 5 months under 37 C.F.R § 1.136(a). Thus, the final deadline was February 22, 2006. Applicant's Response bears a petition for a 5 month extension under 37 C.F.R § 1.136(a) and payment of the Extension Fee. The Office accepted payment, thereby


McDonnell Boehnen  
Hulbert & Berghoff LLP  
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Chicago, Illinois 60606  
Telephone (312) 913-0001  
Facsimile (312) 913-0002

extending the deadline for response to February 22, 2006. Applicants deposited the Response with the U.S. Postal Service "Express Mail Post Office to Addressee" on February 22, 2006 as confirmed by the enclosed Express Mail receipt and the Track and Confirm document. Accordingly, Applicant's respectfully request withdrawal of the holding of abandonment.

Applicants note that the Office incorrectly lists the attorney docket for the above identified application as 02-730-B5 on Private Pair. The correct attorney docket for this application is 02-730-B6.

Date: April 24, 2006

Respectfully submitted,

By:   
Steven J. Sarussi  
Registration No. 32,784

McDonnell Boenhen  
Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone (312) 913-0001  
Facsimile (312) 913-0002

# COPY

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(MBHB Case No. 02-730-B6)

In the Application of: )  
James P. Beck, et al. )  
US Application No.: 10/527,294 ) Examiner: TBD  
Filed: March 09, 2005 ) Group Art Unit: TBD  
For: Substituted Aminoethers ) Confirmation No.: 9625  
for the Treatment of )  
Alzheimer's Disease )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a. Petition under 37 C.F.R. §1.47(a);
- b. Declaration in Support of Petition under 37 C.F.R. §1.47(a);
- c. Copy of Notification Of Missing Requirements;
- d. Copy of Notification Of Abandonment;
- e. Declarations and Powers of Attorney;
- f. Check in the amount of \$2,490.00; and
- g. Return Receipt Postcard.

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: (312) 913-0001  
Facsimile: (312) 913-0002

# COPY

2. With respect to fees:

- ☒ Check in the amount of \$2,490 for
- (i) \$130 Surcharge under 37 C.F.R. §1.492(h),
  - (ii) \$200 Petition Fee under 37 C.F.R. §1.47(a),
  - (iii) \$2,160 Extension Fee under 37 C.F.R. §1.136(a).

Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.

3. I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below. EV 839407018 US.

Respectfully submitted,

Date: February 22, 2006

By: 

Steven J. Sarussi  
Reg. No. 32,784

McDonnell Boenhen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: (312) 913-0001  
Facsimile: (312) 913-0002



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No.: 02-730-B6)

In re Application of: )  
James P. Beck, et al. )  
US Application No.: 10/527,294 ) Examiner: TBD  
Filed: March 09, 2005 ) Art Unit: TBD  
For: Substituted Aminoethers ) Confirmation No.: 9625  
for the Treatment of )  
Alzheimer's Disease )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

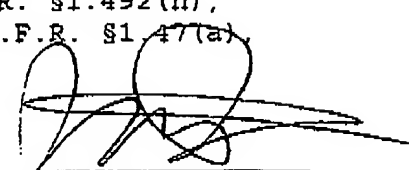
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371

Dear Sir:

In response to the Notification Of Missing Requirements  
Under 35 U.S.C. 371, mailed July 22, 2005, Applicants  
submit the following:

1. Petition under 37 C.F.R. §1.47(a);
2. Declaration in Support of Petition under  
37 C.F.R. §1.47(a);
3. Copy of Notification Of Missing Requirements;
4. Copy of Notification Of Abandonment;
5. Declarations and Powers of Attorney;
6. Check in the amount of \$2,490.00 for:
  - (i) \$130 Surcharge under 37 C.F.R. §1.492(h),
  - (ii) \$200 Petition Fee under 37 C.F.R. §1.47(a),
  - (iii) \$2,160 Extension Fee under  
37 C.F.R. §1.136(a).

DATED: February 22, 2006

By:   
Steven J. Sarussi  
Reg. No. 32,784

(312) 913-0001 phone  
(312) 913-0002 facsimile

MCDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP  
300 South Wacker Drive  
Chicago, Illinois 60606

Apr-24-06 15:25

From-MCDONNELL BOEHNNEN HULBERT & BERGHOFF

+131291300002

T-812 P.10/13 F-210

89454



McDonnell Boehnen Hulbert & Berghoff LLP  
Operating Account

300 South Wacker Drive  
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U.S. APPLICATION NUMBER NO	FIRST NAMED APPLICANT	ATTY DOCKET NO
10/527,294	James P. Beck	02-730-B5

INTERNATIONAL APPLICATION NO
PCT/US03/28388

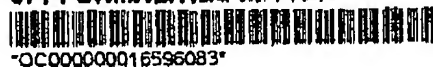
IA FILING DATE	PRIORITY DATE
09/10/2003	09/10/2002

20306

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 300 S. WACKER DRIVE  
 32ND FLOOR  
 CHICAGO, IL 60606

CONFIRMATION NO. 9625

371 FORMALITIES LETTER



Date Mailed: 07/22/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/09/2005
- Copy of the International Search Report filed on 03/09/2005
- Copy of IPE Report filed on 03/09/2005
- Preliminary Amendments filed on 03/09/2005
- U.S. Basic National Fees filed on 03/09/2005
- Priority Documents filed on 03/09/2005
- Specification filed on 03/09/2005
- Claims filed on 03/09/2005
- Abstracts filed on 03/09/2005

9-22-05  
 [Handwritten signature]

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**COPY**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO	INTERNATIONAL APPLICATION NO	ATTY. DOCKET NO
10/527,294	PCT/US03/28388	02-730-B5

FORM PCT/DO/EO/905 (371 Formalities Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/527,294	FIRST NAMED APPLICANT James P. Beck	ATTY DOCKET NO. 02-730-B5
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32ND FLOOR  
CHICAGO, IL 60606

DOCKETED

FEB - 3 2006

DUE DATE:

BY:

CONFIRMATION NO. 9625

371  
ABANDONMENT/TERMINATION  
LETTER



\*OC000000:7939255\*

Date Mailed: 01/30/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination.

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 07/22/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PATRICIA A BOOKER

Telephone (703) 308-9140 EXT 204

## PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

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